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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Fifth Committee (Part II)

Rapporteur: Mr. Ihor V. HUMENNY (Ukraine)

I. INTRODUCTION

1. The previous recommendation made by the Fifth Committee to the General Assembly under agenda item 137 appears in the report of the Committee contained in document A/51/743.

2. The Fifth Committee resumed its consideration of the item at its 67th, 68th and 70th meetings, on 2, 4 and 6 June 1997. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/51/SR.67, 68 and 70).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/51/30/Add.1) and the related reports of the Advisory Committee on Administrative and Budgetary Questions (A/51/7/Add.7 and Corr.2) and the Office of Internal Oversight Services (A/51/824, annex).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/51/L.79

4. At the 70th meeting, on 6 June, the representative of Canada introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/51/L.79), submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/51/L.79 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related reports of the Advisory Committee on Administrative and Budgetary Questions[2] and the Office of Internal Oversight Services,[3]

Concerned that the report of the Secretary-General and the related performance report for 1996 were not available on a timely basis,

Concerned also that the revised 1997 budget proposals were not prepared on a full-cost basis,

Noting that information on the actual annual cost of new posts was not included in the budget proposals,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

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[1] A/C.5/51/30/Add.1.

[2] A/51/7/Add.7 and Corr.2.

[3] A/51/824, annex.

2. Requests the Secretary-General to submit the report on the conditions of service of the judges of the International Tribunal for the Former Yugoslavia to the General Assembly at its fifty-second regular session, no later than 30 November 1997;

3. Decides to defer its consideration of the pension entitlements for members of the International Tribunal pending receipt of the report requested in paragraph 2 above, and decides to consider this question in the context of the 1998 budget proposals of the Tribunal;

4. Notes that the full cost of the new posts recommended by the Advisory Committee would add to the appropriations a further annual requirement of 1,297,200 United States dollars net;

5. Notes also that the standard salary cost equivalent of the 45 gratis personnel serving with the International Tribunal would amount to 2,011,700 dollars gross for the period from 1 July to 31 December 1997;

6. Requests the Secretary-General, in submitting budgetary proposals for 1998, to make such recommendations as are required to fulfil the mandate of the International Tribunal as soon as possible;

7. Recognizes the importance of continuing to improve arrangements through which the International Tribunal receives proper guidance and assistance from United Nations Headquarters to implement and enforce the financial rules, personnel rules and all other applicable administrative issuances of the United Nations, and requests the Secretary-General to report thereon to the General Assembly at its fifty-second session;

8. Approves the budgetary recommendations of the Advisory Committee on Administrative and Budgetary Questions;[2]

9. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 29,825,500 dollars gross (27,440,100 dollars net) for the period from 1 July to 31 December 1997;

10. Decides also that the appropriation for the period from 1 July to 31 December 1997 under the Special Account referred to in paragraph 9 above shall be financed according to the methodology established by the General Assembly in its resolution 49/242 B of 20 July 1995, as detailed in the annex to the present resolution;

11. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Protection Force in the amount of 14,912,750 dollars gross (13,720,050 dollars net), to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force;

12. Decides to apportion the amount of 14,912,750 dollars gross (13,720,050 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

13. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,192,700 dollars approved for the International Tribunal for the period from 1 July to 31 December 1997.

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	Net
	(United States dollars)	
Appropriations for the period from 1 July to 31 December 1997	29 825 500	27 440 100
Of which: United Nations Protection Force[a]	14 912 750	13 720 050
Assessed amounts[b]	14 912 750	13 720 050

[a] Refers to the credits arising from previous budgets of the United Nations Protection Force.

[b] Refers to the contributions assessed on Member States in accordance with the scale of assesments for the year 1997.